

IC 32-24-3

Chapter 3. Procedures for State Government

IC 32-24-3-1

Commencement of action

Sec. 1. If the governor considers it necessary:

- (1) to acquire property on which to construct public buildings for the state; or
- (2) to acquire property adjoining state property on which buildings have been erected;

the governor may order the attorney general to file an action in the name of the state. The attorney general shall file the action in a court that has jurisdiction in the county in which the property is located. The state's petition must ask that appraisers be appointed to appraise the value of the property considered necessary to be acquired for the public uses of the state.

As added by P.L.2-2002, SEC.9.

IC 32-24-3-2

Notice; appointment of appraisers

Sec. 2. Upon filing the petition, the attorney general shall provide the owners of the property the notice required by law in the commencement of a civil action. It is sufficient to make defendants to the petition all persons who are in possession of the property and those who appear to be the owners or to have any interest in the property by the tax duplicates and the records in the offices of the auditor and recorder of the county. After notice has been given, the court shall appoint three (3) resident freeholders of the county where the property is located to appraise the value of the property.

As added by P.L.2-2002, SEC.9.

IC 32-24-3-3

Oath and report of appraisers

Sec. 3. (a) Before entering upon their duties, the appraisers shall take and subscribe an oath that they will honestly appraise the property at its fair cash value.

(b) The appraisers shall make a report of their appraisal within a time fixed by the court.

(c) If the appraisers fail for any cause to make a report within the time fixed by the court, the court may extend the time or may appoint other appraisers.

As added by P.L.2-2002, SEC.9.

IC 32-24-3-4

Exceptions to report of appraiser

Sec. 4. (a) After the appraisers file their report, any of the defendants may, within a reasonable time fixed by the court, file exceptions to the report, alleging that the appraisal of the property, as made by the appraisers, is not the true cash value of the property. If exceptions are filed, a trial on the exceptions shall be

held by the court or before a jury, if asked by either party.

(b) The circuit court clerk shall give notice of filing of the appraisers' report to all known parties to the action and their attorneys of record by certified mail.

(c) Upon the trial of the exceptions, the court may revise, correct, amend, or confirm the appraisal in accordance with the finding of the court or verdict of the jury.

(d) The court shall apportion the costs accruing in the proceedings as justice may require.

(e) Changes of venue may be had as in other cases.

As added by P.L.2-2002, SEC.9.

IC 32-24-3-5

Payment of value of real estate

Sec. 5. When the value of the property has been finally determined by the court, the governor may provide for the amount so found and may direct the auditor of state to draw a warrant on the treasurer of state to be paid out of any fund available in favor of the clerk of the circuit court. The clerk shall receive the money and hold it in court for the use of the owners and other persons adjudged to be entitled to the money.

As added by P.L.2-2002, SEC.9.

IC 32-24-3-6

Receipt of payment; execution of deed

Sec. 6. Upon payment to the clerk of the circuit court and the filing of a receipt for the payment of the money in open court as a part of the proceedings of the cause, the court shall direct the clerk of the circuit court to:

(1) execute a deed conveying the title of the property to the state of Indiana; and

(2) deliver the deed to the governor.

As added by P.L.2-2002, SEC.9.